

will see Becker's fate in the hands of the jury.

Save for the failure to get the bank accounts in evidence and for the discrediting by Mr. McIntyre of one of the witnesses against Becker, the State went forward effectively and convincingly. Points in the testimony of Rose and Scheppe were corroborated. The night telephone operator in the Times Building testified that he made a connection with Audubon 6604 at 2:57 A. M. on July 16. Audubon 6604 is the telephone number of the Belleville apartment house, where Lieut. Becker was arrested on the night of the murder. Jack Rose had sworn that he had called up Becker "about 3 A. M." to give the news of the killing and that Becker had come to the door and told him that he would be right down town.

The night hallway at the Belleville testified that "long after midnight" he had received a call for Becker and that he had made the connection with Becker's apartment.

Another important advance made by the State during the day was the testimony of Lefty Louie's wife that Rose and Scheppe had called on the gunmen in their apartment on Southern Boulevard and that her husband had told her that Rose and Scheppe were there to talk to Jack Zelig. Rose had sworn that he went to the gunmen to tell them that it would be all right with Zelig if Becker was murdered.

Mr. McIntyre insisted that this witness, Max Margolis, be arrested for perjury, but Justice Goff declined to take such action. Both Rose and Scheppe were recalled by the State to give the defense a chance to cross-question them further. Mr. Hart asked Scheppe a few questions, but Mr. McIntyre confessed that he had no further questions to put to Rose.

Mr. McIntyre had protested last Saturday night that Justice Goff was not giving him enough time in which to cross-examine Rose and Scheppe to make this one of the points of appeal if appeal became necessary.

After making his successful argument against the introduction of Becker's bank accounts, Mr. McIntyre made two motions, both formal efforts to secure the dismissal of the indictment and the discharge of the defendant on the ground that the State had failed to show that Lieut. Becker had any connection with the murder. These motions Justice Goff promptly denied.

**Telephone Operator Testifies.**  
The first witness at the morning session was John Carney of 25 Grove street, Jersey City, who was the telephone operator on duty at the public switchboard near the subway entrance in the basement of the Times Building on the night of July 15. Carney said that he was the only operator on duty that night. Assistant District Attorney Moss asked:

"What connection did you make at 2:57 A. M.?"

Carney had been unable of course to recall the numbers of various calls he made late on the night of July 15, but when Mr. Moss put before him the record sheet on which he had written down the calls he was able to recall that he had made a connection for Audubon 6604. Mr. Hart for the defense insisted that Carney had been permitted to study the sheet before taking the witness stand, but the court decided that the records of the telephone company spoke for themselves and that Carney should be allowed to identify his own handwriting.

"Was that the only call you made at that time?" continued Mr. Moss.  
"It was," replied the operator.  
Lucius Haywood, a negro hallway at the Belleville apartment house, at Edgecombe avenue and 165th street, was called. After he got over his nervousness, Mr. Moss asked him few questions—if Lieut. Becker had lived in the Belleville on July 15 and 16, 1912; if Audubon 6604 was the telephone number of the house; if he had made a telephone connection for Becker on the morning of July 16. The boy gave affirmative answers to these questions. He then testified that he had not received any calls for other persons late on the night of July 15. He said that Lieut. Becker had left the house soon after getting the phone call.

Mr. Hart was making the witness pretty roughly on cross-examination, but the boy's answers shook the gravity of the court and left Hart considerably at a disadvantage. Hart was unable to break or discredit his testimony.

Mrs. Lillian Rosenberg, wife of Lefty Louie, was called by the State. With Mrs. Gyp the doctor's wife, she was arrested with the two gunmen nearly a month ago in an apartment in Glendale, Queens. She gave her testimony without hesitating and with an apparent desire to be strictly truthful. Mr. Moss examined her.

Q. Are you the wife of Louis Rosenberg?  
A. Yes.  
Q. Did you ever live with him at No. 747 Southern Boulevard? A. Yes, sir.  
Q. How long did you live there? A. For two and a half years.

Q. When was this? A. Until July 14.  
Q. Where did you go from there? A. To Rockaway Beach.

Mrs. Rosenberg testified that she knew Whitey Lewis, Dago Frank, Harry Horowitz, Jack Rose and Sam Scheppe. She had seen all of them at the apartment in the Southern Boulevard. Then Mrs. Rosenberg was cross-examined.

Q. Your husband is now under arrest for murder, is he not? A. Yes, sir, he is.  
Q. When did you conclude to become a witness for the State?  
Q. Whom did you talk to? A. Mr. Moss.  
Q. Where did you talk to him? A. At the House of Detention.

Q. Has any assurance been given you that if you testified your husband would be given aid? A. No, sir.  
Q. Did you ever live at the Seventh avenue house? A. No, sir.

Q. Have you communicated with your husband since his arrest? A. Yes, I sent him two letters.

Q. Did you say anything about testifying when you wrote your husband? A. Yes, sir.  
Q. Did you say anything in those letters about the fact that if you took the stand for the People it would help his case? A. No, sir.

Q. Have you seen Jack Rose, Harry Wallon or Sam Scheppe? A. Not since I was held.  
Q. Do you know what your husband's business was? A. Yes; he was a travelling salesman.  
Q. How long was he engaged in that business? A. About a year.

Q. For what did he travel, what did he sell? A. I do not know.  
Q. By what other name was he known? A. I only knew him as Mr. Rosenberg.

Q. Was your husband at the scene of the murder? A. I do not know.  
Q. Where were you at the time of the murder? A. With my mother.

Q. Now, young woman, is it not a fact that you saw Scheppe in your house in the latter part of May, 1912? A. I think it was in June. If you can find out the day that Jack Sell was arrested, that is the day I saw Scheppe.

It developed presently that the witness lived in mind the subsequent arrest of Zelig on June 9, as the defense lost what ever advantage was gained in making the girl say that it was in May she had seen Scheppe in her apartment. The examination continued.

Q. Did you hear any conversation between Scheppe and your husband on May 12? Just say yes or no. A. Yes, sir.  
Q. How long was that conversation? A. About twenty minutes.

Q. In what part of the flat was that? A. Louie was sick in bed.

## EYEGLASSES

We like to talk about our new store—(Fifth Avenue at 27th St.) because it is not only an agreeable place to which to invite people, but an establishment that stands for the best there is in optical matters—the creating and adjusting of eyeglasses as well as everything pertaining to the optician.

We invite you to the new optical headquarters. Prices the same as in our other stores.

**E. B. Margolis**  
OPTICIAN  
1st Old Bond St. Paris  
2nd Rue de la Paix New York

237 FIFTH AVENUE (27th St.)  
125 WEST 42nd ST. (N. B'way)  
650 MADISON AVE. (Cr. 60th St.)  
104 EAST 23rd ST. (4th Avenue)  
235 LIVINGSTON ST. (Brooklyn)

### Becker's Press Agent Called.

The State had for its next witness Max Margolis, who was a sort of press agent for Becker in the days of the lieutenant's raiting activities.

Margolis made an affidavit two months

## TWO WITNESSES AGAINST BECKER



MRS. LOUIS ROSENBERG  
Wife of "Lefty Louie"

ago that Becker's raid on Rosenthal's gambling house was a frame-up on Rosenthal and that Becker had tried to soothe the angry Mrs. Rosenthal. He was questioned by Mr. Moss.

Q. What was your business? A. A tipster.

Q. How long have you known Lieut. Becker? A. Five months.

Q. How often have you seen him? A. Quite a number of times.

Q. What was going on when you met him? A. Raids.

Q. And at that time what was your business? A. I was working for the New York Press as a tipster and free lance for newspapers.

Q. And your business was to go where Lieut. Becker was making raids and report the fact to the newspapers? A. Yes, sir.

Q. And that was why you were at 104 West Forty-fifth street on April 18? A. Yes, sir.

Q. What was going on there? A. A raid.

Q. Had you met Becker prior to that raid? A. Yes, the day before.

Q. Who was there? A. There were men from the Central Office squad.

Q. Was there any conversation? A. Yes. Becker told me to go to Rosenthal and get a description of the features, so if I was wanted I could swear out a warrant.

Q. Were you ever in the house before that time? A. No, sir.

**Describes Rosenthal Raid.**

Mr. McIntyre did his best to keep Margolis from making a free lance for newspapers.

Q. Did you see Becker without any legal evidence sent Shepard, one of his men, to get warrants for a raid on Rosenthal after describing to the detective the interior of the gambling house. Margolis testified:

Becker said to Shepard: "Before you enter the house you will have to enter the basement. There you will see an iron door-way, and you will be asked questions by a number of attendants, then if you are let inside you will be taken upstairs through the basement to the first floor. There you will find a roulette wheel, but you do not want that. You will go upstairs, where you will find a roulette wheel and two faro banks." He then told them to go and get warrants to raid the place.

Mr. Moss led Margolis along to tell the story of how Becker led a squad in the raid and of how he (Margolis) saw and heard most of what happened. Margolis was answering all questions despite Mr. McIntyre's loud objections.

"You wait, sir!" shouted Mr. McIntyre. "You seem so anxious to get this story out of your system that you don't give me a chance."

After Margolis had testified about seeing Mrs. Rosenthal with Becker the testimony was:

Q. Did you hear Mrs. Rosenthal say anything? A. Yes. She said, "Why, Charlie, what are you doing?" Then Becker raised his hand and said, "Shh!" Then they went toward the rear of the house and talked for several minutes.

Q. Did you hear what was said? A. No, I was sick in bed.

Q. Then when you went upstairs did Becker follow? A. No, I left him downstairs with Mrs. Rosenthal.

**Tries to Show Him a Perjurer.**

Mr. McIntyre strove to show the jury that Margolis was a perjurer and that he was generally bad character. Some of the testimony follows:

Q. Did you hear Mrs. Rosenthal say anything? A. Yes. She said, "Why, Charlie, what are you doing?" Then Becker raised his hand and said, "Shh!" Then they went toward the rear of the house and talked for several minutes.

Q. Did you hear what was said? A. No, I was sick in bed.

Q. Then when you went upstairs did Becker follow? A. No, I left him downstairs with Mrs. Rosenthal.

Q. How long was that conversation? A. About twenty minutes.

Q. In what part of the flat was that? A. Louie was sick in bed.

Q. How many times after May 12 did you see Scheppe at your house? A. Never again.

Q. Did you hear what Sam Scheppe and Jack Rose said to your husband? A. I did not.

The next witness was William Reilly, who testified that he and the other gunmen occupied at 2529 Seventh avenue after they gave up their Southern Boulevard retreat. He said that in June he had rented an apartment on the fourth

Q. You never were that is called a legitimate reporter? A. No, sir.

Q. Have you acted as a stool pigeon for the police? A. No, sir.

Q. Did you ever get evidence for the police? A. Once.

Q. When was that? A. A friend of mine took me to a house in West Thirty-seventh street and I told Becker and he told me to take Ferio, one of his men, to the place.

Q. Was it a gambling house? A. No, it was a poolroom.

Q. What was your idea in telling Becker? A. I knew it was his business to break up those places.

Q. Was an affidavit sworn there? A. Yes, one was filed out. Rose got off of the bed and said, "I'll sign it Jacob Rose."

I asked if he would swear that it was the truth and he said that he would and I took my hat and left the room.

Q. Did you during that conversation speak of the Rosenthal murder? A. I was startled when I came to the name of Rosenthal in the affidavit and I said that it was too bad that a man should be killed in that way.

Q. Did Rose say anything? A. No.

Q. Did either Mr. McIntyre or Mr. Rose say anything about what they saw in the papers? A. I think Mr. Rose said he did not see from what he read in the papers that the Dis-

trict Attorney wanted him, but that if he did he would go down in the morning, and to the best of my recollection Mr. Hart told him to do so.

The State scored another success when Hart testified that he saw a man in the hall of Pollok's apartment when he left early on the morning of July 15. He testified that he was reading a book in the hall.

Hart then cross-examined Mr. Barker, across-examination that appeared to be no special value for the defense and which seemed to be designed to straighten out Hart's own position before the jury.

Hart produced and read the affidavit he had obtained from Rose, the one in which Rose said that the \$1,500 lent to Rosenthal came from him, not from Becker; that Rose had heard Rosenthal say he would "break" Becker because of the raid, and that Rose was Rosenthal's gambling partner.

On Saturday Rose told the jury that he had committed perjury when he made that affidavit and that Becker and Hart knew he was committing perjury.

At the opening of the afternoon session the first witness was William Haupt of the Register's office, who brought with him the papers showing that a message had been executed on Rosenthal's house, furnished on March 7, 1912, and satisfied on June 7, 1912. Mr. McIntyre fought hard to keep that evidence out.

Sam Scheppe was recalled to give counsel for the defense a further opportunity to cross-examine him.

Scheppe denied that he had told anyone that Becker was committing perjury, or that Rosenthal was "a dirty dog," or that he had said to a man named Hogaboam, "The worst thing that I am going to do is to leave the damned number on the car."

Scheppe was very careful about his answers. Once or twice he corrected Mr. Hart. Mr. Hart tried to make him say that a man named Bergholtz had used certain words, but Scheppe quoted Bergholtz's language correctly. Part of the examination was:

Q. Did you say to the acting Mayor of Hot Springs, "Tom, my life is as dear to me as yours, and I am not going to say anything until I see Whitman?" A. I did.

Q. Did you say to Pettit that you were devoted to Jack Rose? A. That is only partly true.

Q. Answer yes or no. A. I did not so state.

Q. Did you in substance say that? A. In part only.

Q. Did you say that you would read his article by article and answer accordingly? A. No, sir.

Q. Did you say to Pettit that you were not going to say anything until you got to Mr. Whitman's office, looked him in the face and had read Rose's confession? A. I did not say that.

Q. Did you say to J. L. Sullivan that Jack Rose was your most particular friend? A. I did not.

Q. Did you in substance say that? A. Partly.

Q. Did you say to Mr. Johnson the night you were detained at the post office in Hot Springs, when you were posting a letter to Jack Rose, that Jack Rose was your best friend on earth and your partner, and that Rose was connected with nearly everything that happened to you? A. In part, yes.

Q. Did you say to Johnson, "That fellow ought to have been killed?" A. I did not.

Q. Did you say that if Rosenthal had not been so active in these things—meaning the white slave traffic—he would not have been killed? A. I did not.

**Did Say City Wasn't Safe.**

Q. Did you say that you left New York because it was not a safe place for you? A. Yes, sir.

Q. Did you say that Rosenthal was a handsome fellow but had no friends, that he was a dirty dog—and "ought to have been bumped off long ago"? A. I did not.

Q. Did you say to Mr. Johnson, "Why did you kill Herman Rosenthal? He was a good fellow?" A. He said "Why did they kill Rosenthal?"

Q. Did you say, "Mike, you don't know what a dirty dog he was. He had a gang of about twenty men, and which was said to have made considerable money for its owner. The painting brought \$45.

The greatest interest centered on an oil painting of a racehorse named Isla, which belonged to Rosenthal while he was a bookmaker, and which was said to have made considerable money for its owner. The painting brought \$45.

**Wants Appraiser's Expenses Itemized.**

State Comptroller Schomer filed objection yesterday in the Surrogate's office to the transfer to appraisal of the estate of Frank Rosenthal, a bookmaker, of a painting of a racehorse named Isla, which was said to have made considerable money for its owner. The painting brought \$45.

Daniel A. Ventien, who is in charge of the signature cards at the Franklin

to taking an affidavit. When I said I would take it we went out and got into a taxi and proceeded to 156th street and Amsterdam avenue, where Mr. Becker left me.

Q. About what time did you meet him? A. A little after 10 o'clock.

Q. What time was that? A. It must have been around fifteen or twenty minutes after 10.

Q. Where did you go? A. We proceeded up the block. Mr. Hart did not know the number of the house. He said the name was the Riviera. The hallway said he did not know if Pollok was at home and we went up and rang the bell. A lady came to the door and led us through the hall into the apartment.

Q. Did you hear anything that Mr. Hart said to the lady when he went in? A. No, sir.

Q. How long were you in the apartment? A. About fifteen minutes.

Signed It "Jacob Rose."

Q. Was an affidavit sworn there? A. Yes, one was filed out. Rose got off of the bed and said, "I'll sign it Jacob Rose."

I asked if he would swear that it was the truth and he said that he would and I took my hat and left the room.

Q. Did you during that conversation speak of the Rosenthal murder? A. I was startled when I came to the name of Rosenthal in the affidavit and I said that it was too bad that a man should be killed in that way.

Q. Did Rose say anything? A. No.

Q. Did either Mr. McIntyre or Mr. Rose say anything about what they saw in the papers? A. I think Mr. Rose said he did not see from what he read in the papers that the Dis-

trict Attorney wanted him, but that if he did he would go down in the morning, and to the best of my recollection Mr. Hart told him to do so.

The State scored another success when Hart testified that he saw a man in the hall of Pollok's apartment when he left early on the morning of July 15. He testified that he was reading a book in the hall.

Hart then cross-examined Mr. Barker, across-examination that appeared to be no special value for the defense and which seemed to be designed to straighten out Hart's own position before the jury.

Hart produced and read the affidavit he had obtained from Rose, the one in which Rose said that the \$1,500 lent to Rosenthal came from him, not from Becker; that Rose had heard Rosenthal say he would "break" Becker because of the raid, and that Rose was Rosenthal's gambling partner.

On Saturday Rose told the jury that he had committed perjury when he made that affidavit and that Becker and Hart knew he was committing perjury.

At the opening of the afternoon session the first witness was William Haupt of the Register's office, who brought with him the papers showing that a message had been executed on Rosenthal's house, furnished on March 7, 1912, and satisfied on June 7, 1912. Mr. McIntyre fought hard to keep that evidence out.

Sam Scheppe was recalled to give counsel for the defense a further opportunity to cross-examine him.

Scheppe denied that he had told anyone that Becker was committing perjury, or that Rosenthal was "a dirty dog," or that he had said to a man named Hogaboam, "The worst thing that I am going to do is to leave the damned number on the car."

Scheppe was very careful about his answers. Once or twice he corrected Mr. Hart. Mr. Hart tried to make him say that a man named Bergholtz had used certain words, but Scheppe quoted Bergholtz's language correctly. Part of the examination was:

Q. Did you say to the acting Mayor of Hot Springs, "Tom, my life is as dear to me as yours, and I am not going to say anything until I see Whitman?" A. I did.

Q. Did you say to Pettit that you were devoted to Jack Rose? A. That is only partly true.

Q. Answer yes or no. A. I did not so state.

Q. Did you in substance say that? A. In part only.

Q. Did you say that you would read his article by article and answer accordingly? A. No, sir.

Q. Did you say to Pettit that you were not going to say anything until you got to Mr. Whitman's office, looked him in the face and had read Rose's confession? A. I did not say that.

Q. Did you say to J. L. Sullivan that Jack Rose was your most particular friend? A. I did not.

Q. Did you in substance say that? A. Partly.

Q. Did you say to Mr. Johnson the night you were detained at the post office in Hot Springs, when you were posting a letter to Jack Rose, that Jack Rose was your best friend on earth and your partner, and that Rose was connected with nearly everything that happened to you? A. In part, yes.

Q. Did you say to Johnson, "That fellow ought to have been killed?" A. I did not.

Q. Did you say that if Rosenthal had not been so active in these things—meaning the white slave traffic—he would not have been killed? A. I did not.

**Did Say City Wasn't Safe.**

Q. Did you say that you left New York because it was not a safe place for you? A. Yes, sir.

Q. Did you say that Rosenthal was a handsome fellow but had no friends, that he was a dirty dog—and "ought to have been bumped off long ago"? A. I did not.

Q. Did you say to Mr. Johnson, "Why did you kill Herman Rosenthal? He was a good fellow?" A. He said "Why did they kill Rosenthal?"

Q. Did you say, "Mike, you don't know what a dirty dog he was. He had a gang of about twenty men, and which was said to have made considerable money for its owner. The painting brought \$45.

The greatest interest centered on an oil painting of a racehorse named Isla, which belonged to Rosenthal while he was a bookmaker, and which was said to have made considerable money for its owner. The painting brought \$45.

**Wants Appraiser's Expenses Itemized.**

State Comptroller Schomer filed objection yesterday in the Surrogate's office to the transfer to appraisal of the estate of Frank Rosenthal, a bookmaker, of a painting of a racehorse named Isla, which was said to have made considerable money for its owner. The painting brought \$45.

Daniel A. Ventien, who is in charge of the signature cards at the Franklin

## Contented Labor

ALL the roll of your factory, and see how many voices vote "Aye" to a proposal to pull up stakes in the "high rent zone" and move over to BUSH TERMINAL.

You'll be surprised.

A Manhattan Ferry at the front door for those who insist on paying Manhattan rents.

A new subway at the back door.

A "city of homes" all around you—with every department of labor well supplied with happy hands.

The easiest way to win the hearts of your employees is to establish your business in the heart of their homes.

Labor never moves away from an established source of work.

If you are not interested in economies perhaps this alone will arouse a desire to investigate Bush Terminal.

Write for our book on "Economy."

**Bush Terminal Co.**

General Offices:

100 Broad Street, New York City

Savings Bank, one of the banks in which Becker deposited, was the next witness.

Here began the fight of the District Attorney to get the admission of any evidence against Becker. Mr. McIntyre promptly objected to a question as to whether or not Becker opened an account with the bank.

Assistant District Attorney Moss argued that the admission of any evidence against Becker's bank accounts so as to establish that Becker was obtaining large sums of money and that Becker therefore had a motive for stopping the route of an informer. The jurors were excused while Moss and McIntyre fought out the question.

Mr. McIntyre made a skilful argument against the admission of any evidence tending to show that Becker was a grafter. He argued that there was no evidence to show that Herman Rosenthal knew that Becker was plugging up money in the banks. The defense would be ready to meet extortion charges when the District Attorney indicted Becker for extortion, said Mr. McIntyre. Becker was not on trial for extortion, but for murder, and it was improper to admit extortion evidence.

Judge Parker, in the "Peaches" Stephenson case (the case of a policeman who was convicted after the Lexow investigation of extorting a few baskets of peaches) had written an opinion that the prosecution had no right to introduce evidence concerning the defendant's prosperity. Mr. McIntyre argued also, that Judge Werner in the Molnux case, had decided for appeal that when the prosecution had direct evidence connecting a defendant with crime the